

**REMARKS**

Upon entry of the Amendment, Claim 7 will be pending in the application.

Claims 1-4 were previously canceled. Claims 5-6 were pending claims as of the filing of the Notice of Appeal on January 11, 2005, and in the Appeal Brief filed on April 8, 2005, but are now canceled herein without prejudice or disclaimer.

New Claim 7 is added. New Claim 7 is the claim proposed by the Examiner in the Office Action dated May 4, 2004, at page 3, lines 1-9. Support can be found in the original claims. No new matter is added.

Entry of the Amendment along with reconsideration and review of claim 7 on the merits are respectfully requested.

***Allowable Subject Matter and Summary of Examiner's Interview***

After receiving the Office Communication entitled Notification of Non-Compliant Appeal Brief, dated May 31, 2005, Applicants' representative called the Examiner on June 16, 2005, and left a message. Later that day, the Examiner returned the phone call to Applicants' representative. During the conversation, the Examiner confirmed the statement he made in the May 31, 2005, Office Communication that "the Examiner notes that the claim proposed by the Examiner in Paragraph No. 2 of Paper No. 042204 is considered to be allowable and if this claim were reinserted into the application and the pending claims 5 and 6 cancelled the application would be in condition for allowance." (see explanation after block 10.) Applicants' representative called the Examiner to make certain what claim the Examiner deems allowable

over the prior art of record, since the Paper numbers are not identified on the Actions mailed by the USPTO. Regarding the claim proposed by the Examiner “in Paragraph No. 2 of Paper No. 042204”, Applicants’ representative asked if the Examiner was referring to the claim at paragraph 2 on page 3 of the Office Action mailed May 4, 2004. The Examiner stated that he did not have the file in front of him, but that he had only proposed one claim in previous correspondence. Thus, Applicants believe that the claim proposed in the Office Action mailed May 4, 2004, is the claim that the Examiner is referring to as being allowable over the prior art of record.

Applicants are initiating this Amendment because the Examiner indicated that it would be best if Applicants initiated an Amendment instead of having the Examiner make an Examiner’s Amendment to affect such change.

Entry of the Amendment is submitted to be proper, since the amendment was proposed by the Examiner and indicated to place the application in condition for allowance. In addition, the Amendment should be entered by analogy to 37 C.F.R. §41.50(c) which permits entry of amendments explicitly recommended by the Board in its opinion.

Applicants respectfully request prompt action on the present Amendment in order to confirm that a response to the Notification of Non-Compliant Appeal Brief will not be necessary, as Applicants would otherwise incur additional delays and costs in resuming the Appeal process.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT  
U.S. APPLN. NO. 09/735,892

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

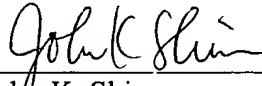
Respectfully submitted,

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WASHINGTON OFFICE

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CUSTOMER NUMBER

  
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Date: June 28, 2005